

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SANTA ANA REGION**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**  
**AND**  
**WASTE DISCHARGE REQUIREMENTS**  
**NPDES NO. CAS618036**  
**ORDER NO. 01-16**  
**FOR**  
**THE SAN BERNARDINO COUNTY DEPARTMENT OF PUBLIC WORKS, THE**  
**COUNTY OF SAN BERNARDINO, AND THE INCORPORATED CITIES OF SAN**  
**BERNARDINO COUNTY WITHIN THE SANTA ANA REGION**  
**AREA-WIDE URBAN STORM WATER RUNOFF**

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. The 1987 amendments to the Clean Water Act (CWA) added Section 402(p) that establishes a framework for regulating municipal and industrial (including construction) storm water discharges under the National Pollutant Discharge Elimination System (NPDES) permit. Section 402(p) of the CWA requires NPDES permits for storm water discharges from municipal separate storm sewer systems (MS4) as well as other designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. On November 16, 1990, the United States Environmental Protection Agency (hereinafter EPA) published Phase I regulations (40 CFR Parts 122, 123 and 124) which describe permit application requirements for storm water discharges.
2. Prior to EPA's promulgation of the Phase I storm water regulations, the three counties (Orange, Riverside, and San Bernardino) and the incorporated cities within the jurisdiction of the Santa Ana Regional Board requested areawide NPDES permits for urban storm water runoff. On October 19, 1990, the Regional Board adopted Order No. 90-136 for urban storm water runoff from urban areas in San Bernardino County within the Santa Ana Region. The San Bernardino County Transportation/Flood Control Department (SBCFCD) was named as the principal permittee and San Bernardino County and the incorporated cities were named as the co-permittees. Order No 96-32, issued by the Regional Board on March 8, 1996, renewed the permit for another five years.
3. Order No. 96-32 expired on March 1, 2001. On September 1, 2000, the San Bernardino County Department of Public Works, in cooperation with the County of San Bernardino, and the incorporated cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (hereinafter collectively referred to as "permittees" or dischargers) jointly submitted National Pollutant Discharge Elimination System (NPDES) Application No. CAS618036 and a Report of Waste Discharge for reissuance of their area-wide storm water permit for urban storm water runoff. The Report of Waste Discharge was submitted in accordance with Section V.29 of the previous NPDES permit (Order No. 96-32) as application for permit renewal. In order to more effectively carry out the requirements of this order, the permittees agreed

that the San Bernardino County Flood Control District (SBCFCD) would continue as principal permittee and San Bernardino County and the incorporated cities would be co-permittees. On March 2, 2001, Order No. 96-32, NPDES No. CAS618036, was administratively extended in accordance with 40 CFR Part 122.6 and Title 23, Division 3, Chapter 9, §2235.4 of the California Code of Regulations.

4. Within the Santa Ana Region, the permittees serve a population of approximately 1.33 million, occupying an area of approximately 985 square miles. The latest figures obtained from the Reconnaissance Progress Report estimated 384 miles of above-ground and 334 miles of below-ground storm drain channels in the project area. Approximately seven percent (7%) of the San Bernardino County area drains into water bodies within this Regional Board's jurisdiction. The project area is shown on Attachment 1. Approximately 50% of the remaining San Bernardino County drainage areas are within the jurisdiction of the Lahontan Regional Board and the other 43% is within the jurisdiction of the Colorado River Basin Regional Board. However, urbanization in those areas is minimal compared to areas within the Santa Ana Regional Board's jurisdiction.
5. Runoff from the San Bernardino County drainage areas is generally conveyed to the Riverside County drainage areas through the Santa Ana River or other drainage channels tributary to the Santa Ana River. These flows are then discharged to Reach 2 of the Santa Ana River through Prado Basin (Reach 3 of the Santa Ana River). Most of the flow in Reach 2 is recharged in Orange County. During wet weather, some of the flow is discharged to the Pacific Ocean through Reach 1 of the Santa Ana River.
6. The Santa Ana River Basin is the major watershed within this Region. This watershed is divided into the lower Santa Ana River, middle Santa Ana River, Chino basin, upper Santa Ana and Big Bear Lake watersheds. The lower Santa Ana River Basin (downstream from Prado Dam) includes the Orange County drainage areas, and the rest of the Santa Ana River Basin includes the San Bernardino County and the Riverside County drainage areas. The San Bernardino County drainage areas are generally upstream of the Riverside County drainage areas. Some of the main surface water bodies in San Bernardino County within areas regulated under this order include:
  - a) Santa Ana River, Reaches 4, 5, and 6,
  - b) Cucamonga Creek,
  - c) San Sevaine Channel,
  - d) Lytle Creek,
  - e) San Timoteo Creek,
  - f) Bear Creek,
  - g) Mill Creek (in San Bernardino area),

Surface water bodies in San Bernardino County within the jurisdiction of Santa Ana Region are listed in Attachment 2.

7. The beneficial uses of these water bodies include municipal and domestic supply, agricultural supply, industrial service supply, groundwater recharge, hydropower generation, water contact recreation, non-contact water recreation, and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened or endangered species. The ultimate goal of this storm water management program is to protect the beneficial uses of the receiving waters.
8. The three county areas within this Region are regulated under three area-wide permits for urban storm water runoff. These area-wide NPDES permits are:
  - a) Orange County, NPDES No. CAS618030,
  - b) Riverside County, NPDES No. CAS618033, and
  - c) San Bernardino County, NPDES No. CAS618036.

For an effective watershed management program, coordination among the regulators, the municipal permittees, the public, and other entities is essential.

9. Studies conducted by the EPA, the states, flood control districts and other entities indicate the following major sources for urban storm water pollution nationwide:
  - a) Industrial sites where appropriate pollution control and best management practices (BMPs)<sup>1</sup> are not implemented;
  - b) Construction sites where erosion and siltation controls and BMPs are not implemented; and
  - c) Urban runoff where the drainage area is not properly managed.
10. A number of permits were adopted to address pollution from the sources identified in Finding 9, above. The State Board issued two statewide general NPDES permits: one for storm water runoff from industrial activities (NPDES No. CAS000001, General Industrial Activities Storm Water Permit) and the second one for storm water runoff from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit). Industrial activities (as identified in 40 CFR 122.26(b)(14) and construction sites on five acres or more, are required to obtain coverage under these statewide general permits. The permittees have developed project conditions of approval requiring coverage under the State's General Permit for new developments to be implemented at the time of grading or building permit issuance for construction sites on five acres or more and at the time of local permit issuance for industrial facilities. The State

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<sup>1</sup> Best Management Practices (BMPs) are water quality management practices that are maximized in efficiency for the control of storm water runoff pollution.

Board also adopted Order No. 99-06-DWQ, NPDES No. CAS000003, for storm water runoff from facilities owned and/or operated by Caltrans ( including freeways and highways). The Regional Board adopted Order 99-11, NPDES No. CAG018001, for concentrated animal feeding operations, including dairies. The Regional Board also issues individual storm water permits for certain industrial facilities within the Region. Currently there are 22 individual storm water NPDES permits in the Region; 10 of these facilities are located in the San Bernardino County area. Additionally, for a number of facilities that discharge process wastewater and storm water, storm water discharge requirements are included with their facilities' NPDES permit for process wastewater.

11. In most cases, the industries and construction sites covered under the Statewide General Industrial and Construction Permits discharge into storm drains and/or flood control facilities owned and operated by the permittees. These industries and construction sites are also regulated under local laws and regulations. Furthermore, the permittees authorize and permit developments within their jurisdiction, and they own, operate, and control the MS4 systems. The permittees approve residential, commercial, and industrial developments, and cause urbanization of the area and also benefit from it. Therefore, they have a responsibility to address any water quality problems resulting from this urbanization. The Regional Board administers compliance with the State's General Industrial Activities Storm Water Permit and the General Construction Activity Storm Water Permit. A coordinated effort between the permittees and the Regional Board staff is critical to avoid duplicative and overlapping efforts when overseeing the compliance of dischargers covered under the Statewide General Permits. As part of this coordination, the permittees have been notifying Regional Board staff when during their routine activities, they observe conditions that pose a threat or potential threat to water quality, or an industrial facility or construction activity that has failed to obtain coverage under the appropriate general storm water permit.
12. This order regulates urban storm water runoff<sup>2</sup> from areas under the jurisdiction of the permittees. The term storm water as used in this order includes storm water runoff, snowmelt runoff, and surface runoff and drainage. The permittees have jurisdiction over and/or maintenance responsibility for storm water conveyance systems within San Bernardino County. The permittees may lack legal jurisdiction over storm water discharges into their systems from some of the State and federal facilities, utilities and special districts, Native American tribal lands, waste water management agencies and other point and non-point source discharges otherwise permitted by the Regional Board. The Regional Board recognizes that the permittees should not be held responsible for such facilities and/or discharges.

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<sup>2</sup> Urban storm water runoff includes those discharges from residential, commercial, industrial and construction areas within the permitted area and excludes discharges from feedlots, dairies and farms.

13. Certain activities that generate pollutants present in storm water runoff may be beyond the ability of the permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear and leaching of naturally occurring minerals from local geography. This order is intended to regulate the discharge of pollutants in urban storm water runoff from anthropogenic (generated from human activities) sources and is not intended to address background or naturally occurring pollutants or flows.
14. A major portion of San Bernardino County is being urbanized with residential, commercial, and industrial developments. Urban development increases impervious surfaces and storm water runoff volume and velocity; and decreases vegetated pervious surface available for infiltration of storm water. Increase in runoff volume and velocity causes scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), changes in fluvial geomorphology, hydrology, and changes in aquatic ecosystem. The local agencies (the permittees) are the owners and operators of the MS4 systems and have authority to control discharges to these systems. The permittees have established appropriate legal authority to control discharges into their respective MS4 systems. They adopted grading and/or erosion control ordinances, guidelines and best management practices (BMPs) for municipal, commercial, and industrial activities. The permittees must exercise a combination of these programs, policies, and legal authority to ensure that pollutant loads resulting from urbanization are properly controlled and managed.
15. If not properly controlled and managed, urbanization could result in the discharge of pollutants into storm water runoff. Urban area runoff (Finding 9.c.) may contain elevated levels of pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, nitrogen and phosphorus compounds), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). Storm water can carry these pollutants to rivers, streams, lakes, bays and the ocean (receiving waters).
16. These pollutants can then impact the beneficial uses of the receiving waters and can cause or threaten to cause a condition of pollution or nuisance. Pathogens (from sanitary sewer overflows, septic system leaks, spills and leaks from portable toilets, pets, wildlife, and human activities) can impact water contact recreation, non-contact water recreation and shellfish harvesting. On a nationwide basis, microbial contamination of the beaches from urban runoff and other sources has resulted in beach closures and health advisories. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components can cause toxicity to aquatic organisms and can impact human health. Suspended and settleable solids (from sediment, trash, and industrial

activities) can be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other suspended particulates can cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They can also screen out light, hindering photosynthesis and normal aquatic plant growth and development. Toxic substances (from pesticides, herbicides, petroleum products, metals, and industrial wastes) can cause acute and/or chronic toxicity, and can bioaccumulate in aquatic resources (sediments and biota) to levels, which are harmful to human health. Nutrients (from fertilizers, confined animal facilities, pets, and birds) can cause excessive algal blooms. These blooms can lead to problems with taste, odor, color and increased turbidity, and can depress the dissolved oxygen content, leading to fish kills.

17. The water quality assessment conducted by Regional Board staff has identified a number of other beneficial use impairments from urban runoff. Section 303(b) of the CWA requires each of the regional boards to routinely monitor and assess the quality of waters of the region. If this assessment indicates that beneficial uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody. The 1998 water quality assessment listed a number of water bodies within the Region under Section 303(d) as impaired waterbodies. In the San Bernardino County area, these include: (1) Big Bear lake (listed for copper, mercury, metals, noxious aquatic plants, nutrients and sedimentation/siltation); (2) Summit Creek (listed for nutrients); (3) Knickerbocker Creek (listed for metals and pathogens); (4) Grout Creek (listed for metals and nutrients); (5) Rathbone Creek (listed for nutrients, sedimentation/siltation); (6) Mountain Home Creek (listed for pathogens); (7) Mill Creek, Reaches 1 and 2, (listed for pathogens); (8) Santa Ana River, Reach 4 (listed for pathogens); (9) Lytle Creek (listed for pathogens); (10) Chino Creek, Reaches 1 and 2 (listed for high coliform count); (11) Cucamonga Creek, Valley reach (listed for high coliform count); (12) Mill Creek (Prado Area) (listed for nutrients); and, (13) Prado Park Lake (listed for nutrients and pathogens). For some of these impaired waterbodies, the cause of impairment is listed as urban runoff.
18. Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e., water quality objectives are met and the beneficial uses are protected. It is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in waste discharge requirements. TMDLs are being developed for sediment, pathogens, and nutrients and other pollutants for impaired water bodies in San Bernardino County. Dischargers to these water bodies are currently cooperating in the development of these TMDLs. It is expected that once the TMDLs and an implementation plan are developed, the stakeholders will cooperate and

implement the plan. To avoid any duplicative efforts, this permit does not include any further requirements based on TMDLs. However, this permit may be reopened to include TMDL implementation, if other implementation methodologies are not effective.

19. The MS4s generally contain non-storm water flows such as irrigation runoff, residential car washes, runoff from miscellaneous washing and cleaning operations, and other nuisance flows. These non-storm water flows contain a higher concentration of pollutants compared to storm water. Discharges of non-storm water containing pollutants into the MS4 systems and to waters of the U.S. are prohibited unless they are regulated under separate NPDES permit; certain types of non-storm water containing no pollutants are exempt as indicated in Discharge Prohibition, Section III, Item 4 of this order.
20. Order No. 90-136 (first term permit) required the permittees to develop and implement a drainage area management plan (DAMP) and a storm water and receiving water monitoring plan, to eliminate illegal and illicit discharges to the MS4s and to enact the necessary legal authority to effectively prohibit such discharges. The overall goal of these requirements was to reduce pollutant loading to surface waters from urban runoff to the maximum extent practicable (MEP)<sup>3</sup>. Order No. 96-32 (second term permit) required continued implementation of the DAMP and the monitoring plan, and required the permittees to focus on those areas which threaten the beneficial uses.
21. This order (Order No. 01-16, third term permit) outlines additional steps for an effective storm water management program and specifies requirements to protect the beneficial uses of all receiving waters. This order requires the permittees to examine sources of pollutants in storm water runoff from activities that the permittees conduct or approve, regulate and/or approve by issuing a license or permit.
  - a) The Report of Waste Discharge (the permit renewal application) included the following major documents: Summary of accomplishments during the second term permit
  - b) Proposed Municipal Storm Water Management Program (MSWMP) for the third term permit
  - c) Performance commitments for Proposed Program Elements
  - d) Guidelines for New Development and Redevelopment
  - e) A revised Water Quality Monitoring Plan

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<sup>3</sup> Maximum Extent Practicable (MEP) means to the maximum extent possible, taking into account equitable considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, fiscal feasibility, public health risks, societal concerns, and social benefits.

22. The permittees own and/or operate facilities where industrial or related activities take place that may have an impact on storm water quality. Some of the permittees also enter into contracts with outside parties to carry out municipal related activities that may also have an impact on storm water quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides, algaecides and pesticides. The permittees have prepared an environmental performance report for appropriate public facilities under their jurisdiction, and identified best management practices for those activities found to require pollution prevention measures. Non-storm water discharges from these facilities and/or activities could also affect water quality. This order prohibits non-storm water discharges from public facilities unless the discharges are exempt under Section III, Discharge Limitations, 4 & 6 of this order or are permitted by the Regional Board under an individual NPDES permit. The second term permit required the permittees to develop and implement a model Municipal Activities Pollution Prevention Strategy (MAPPS), including sewage spill response, maintenance practices at parks and recreation facilities, street sweeping and public agency employee training.
23. Successful implementation of the provisions and limitations in this order will require the cooperation of other entities and all the public agency organizations within San Bernardino County (e.g., Fire Department, Building and Safety, Code Enforcement, Planning, etc.) having programs/activities that have an impact on storm water quality. The permittees have developed inter-departmental training programs and have made commitments to conduct a certain number of these training programs during the term of this permit. A list of these organizations is included in Attachment 3. As such, these organizations are expected to actively participate in implementing the San Bernardino County NPDES Storm Water Program. The Regional Board has the discretion and authority to require non-cooperating entities to participate in this areawide permit or obtain individual storm water discharge permits, pursuant to 40 CFR 122.26(a). The permittees have developed an Implementation Agreement among the SBCFCD, the County and the cities. The Implementation Agreement establishes the responsibilities of each party and a funding mechanism for the shared costs, and recognizes the Management Committee.
24. The major focus of storm water pollution prevention is the development and implementation of appropriate MSWMP (the MSWMP, included in the ROWD for the third term permit, replaces the DAMP from the first term permit) including best management practices (BMPs). The ultimate goal of the urban storm water management program is to support attainment of water quality consistent with the water quality objectives for the receiving waters in order to protect beneficial



uses through the implementation of the MSWMP.

25. The MSWMP is a dynamic document and the permittees have implemented, or are in the process of implementing, the various elements of the MSWMP. During the second permit term, the DAMP for the San Bernardino County areawide permit was replaced by the Municipal Storm Water Management Plan contained in the Report of Waste Discharge (ROWD 1995). This order requires the permittees to continue to implement the BMPs listed in the ROWD (2000) and to effectively prohibit illegal and illicit discharges to the storm drain system.
26. Urban runoff contains pollutants from privately owned and operated facilities such as residences, businesses, private and/or public institutions, and commercial establishments. Therefore, a successful storm water management plan should include the participation and cooperation of the public, businesses, the permittees and the regulators. The ROWD (2000) has a strong emphasis on public education.
27. The San Bernardino County ROWD (2000) defined: (1) a management structure to facilitate permittees' compliance efforts; (2) a formal agreement to underpin cooperation; and (3) detailed municipal efforts to develop, implement, and evaluate various BMPs or control programs in the areas of public agency activities, public information, new development and construction, public works construction, industrial discharger identification, and illicit discharger/connection identification and elimination. The ROWD also defined a surface water quality monitoring program.
28. In order to characterize storm water discharges, to identify problem areas, to determine the impact of urban runoff on receiving waters, and to determine the effectiveness of the various BMPs, an effective monitoring program is critical. The principal permittee administers the monitoring program for the permittees. This program includes storm water monitoring, receiving water monitoring, and dry weather monitoring. The monitoring data from the last decade identified elevated pollutant levels at monitoring stations 2, 3, and 5. Drainage at Station 2 is influenced by mixed commercial and industrial land uses. Station 3 is characterized by mixed land uses including agricultural. Station 5 is influenced by commercial and light industrial land uses. These areas could be targeted for special pollutant source identification and control programs. The monitoring data indicated some spatial differences in water quality between San Bernardino County's major watersheds.
29. The Strategic Plan and Initiatives (June 22, 1995) and the 2001 Draft Strategic Plan for the State Water Resources Control Board and the Regional Water Quality Control Boards recognizes the importance of an integrated watershed management approach. The Regional Board also recognizes that a watershed management program should integrate all related programs, including the storm water programs and TMDL processes. Consistent with this approach, some of the monitoring programs have already been integrated into regional monitoring

programs.

30. Any illegal dumping, illicit connections, and illegal discharges<sup>4</sup> to the storm drains could contribute to storm water and other surface water contamination. A reconnaissance survey of the municipal storm drain systems (open channels and underground storm drains) was completed by the permittees. The permittees also developed a program to prohibit illicit connections to their storm drains and flood control facilities. Continued surveillance and enforcement of these programs are required to eliminate illicit connections and illegal discharges. The permittees have a number of mechanisms in place to eliminate illegal discharges to the MS4s, including industrial facility inspections, drainage facility inspections, water quality monitoring programs, and public education. The permittees also developed a summary format for illegal discharge reporting. During the second term permit, the permittees completed a reconnaissance survey of the MS4s to detect and eliminate any illicit connections (undocumented or unpermitted connections to the MS4s). The permittees have trained their staff on illegal discharge surveillance cleanup procedures. The permittees will continue to monitor for any new illicit connections and will concentrate on preventing/cleanup of illegal discharges.
31. The permittees have the authority to control pollutants in storm water discharges, to prohibit illegal discharges/illicit connections, to control spills, and to require compliance and carry out inspections of the storm drain systems within their respective jurisdictions. The permittees have various forms of legal authority in place, such as charters, State Code provisions for General Law cities, the San Bernardino County Flood Control Ordinance, San Bernardino County Water Pollution Ordinance, various county ordinances which address industrial wastes and waste discharges within the unincorporated areas, city ordinances, and applicable portions of municipal codes and the State Water Code, to regulate storm water/urban runoff discharges.
32. In order to ensure countywide consistency and to provide a legal underpinning to the entire San Bernardino County Storm Water Program, a model Storm Drain Ordinance was completed in the first permit term and was adopted by all the permittees. The permittees are required to evaluate the effectiveness of their existing enforcement authority to determine the need for enhancement of their legal authority to administer civil and/or criminal penalties for violations of Storm Drain Ordinance.
33. Pollution prevention techniques, appropriate planning processes, and early identification of potential storm water impacts and mitigation measures can

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<sup>4</sup> Illegal discharge means any discharge (or seepage) to the municipal separate storm sewer that is not composed entirely of storm water except for the authorized discharges listed in Section III of this permit. Illegal discharges include the improper disposal of wastes into the storm sewer system.

significantly reduce storm water pollution problems. During the second permit term, the permittees have completed the review and made the necessary revisions to consider storm water quality impacts and appropriate mitigation measures in the planning procedures and in the California Environmental Quality Act (CEQA) review process for specific projects, Master Plans, etc. The County of San Bernardino already requires a Water Quality Management Plan, which addresses permanent post-construction BMPs, in addition to the SWPPP, required by the statewide general permit for construction activity. The permittees are encouraged to propose and participate in watershed wide and/or regional water quality management programs.

34. Successful implementation of the provisions and limitations in this order will require the cooperation of all the public agency organizations within San Bernardino County having programs/activities that have an impact on storm water quality (e.g. Fire Department, Building and Safety, Code enforcement, etc.). As such, these organizations are expected to actively participate in implementing this areawide storm water program.
35. In accordance with the Clean Water Act and its implementing regulations, this order requires the permittees to develop and implement programs and policies necessary to minimize the discharge of pollutants in urban runoff to waters of the U. S. to the maximum extent practicable.
36. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this order shall achieve attainment and protection of the beneficial uses of receiving waters. This order, therefore, includes Receiving Water Limitations based on water quality objectives and the prevention of nuisance and reduction of water quality impairment in receiving waters. In accordance with Section 402 (p) of the Clean Water Act, this order requires the permittees to implement control measures in accordance with the approved ROWD that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations require the implementation of control measures that are technically and economically feasible as necessary to protect beneficial uses and attain water quality objectives of the receiving waters.
37. The Regional Board finds that the unique aspects of the regulation of storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices. Therefore, the permit includes a procedure for determining whether storm water discharges are causing exceedances of receiving water limitations and for evaluating whether the MSWMP contained in the ROWD must be revised. The order establishes an iterative process to determine compliance with the receiving water limitations.

38. A revised Water Quality Control Plan (Basin Plan) was adopted by the Regional Board and became effective on January 24, 1995. The Basin Plan contains water quality objectives and beneficial uses for water bodies in the Santa Ana Region. The Basin Plan also incorporates by reference all State Board water quality control plans and policies including the 1990 Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Plan).
39. The requirements contained in this order are necessary to implement the plans and policies described in Finding 48, above. These plans and policies contain numeric and narrative water quality standards for the water bodies in this Region. This order does not contain numeric effluent limitations for any constituents because the impact of the storm water discharges on the water quality of the receiving waters has not yet been fully determined. Continuation of water quality/biota monitoring and analysis of the data are essential to make that determination. The existing Basin Plan, or any further changes to the Basin Plan may be grounds for the permittees to revise some or all of its ROWD.
40. The permittees will be required to comply with any applicable future water quality standards or discharge requirements that may be imposed by the EPA or State of California prior to the expiration of this order. This order may be reopened to include TMDLs and/or other requirements developed and adopted by the Regional Board. The permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into storm drain systems that they own or operate.
41. The permittees have developed a Storm Water Implementation Agreement between the County, its cities and the San Bernardino County Flood Control District. The Implementation Agreement established the responsibilities of each party and a funding mechanism for the shared costs and recognizes the establishment of Management Committee for overall guidance and as a decision making body.
42. It is important to control litter and eliminate trash and other materials in stormwater runoff. In addition to the municipal ordinances prohibiting litter, the permittees also organize solid waste collection programs, household hazardous waste collections, and recycling programs to reduce litter and illegal discharges.
43. Reach 4 of the Santa Ana River which extends from Mission Boulevard in Riverside to the San Jacinto Fault in San Bernardino is an impaired water body listed on the 303(d) list for pathogens from non point sources. These elevated levels may in part be attributed to discharges from the MS4 systems. This order requires the permittees to investigate and characterize MS4 discharges to tributaries to the Santa Ana River, Reach 4, for potential bacterial contribution.
44. Public education is an important part of storm water pollution prevention. The permittees have employed a variety of means to educate the public, business

- and commercial establishments, industrial facilities and construction sites. The permittees are required to continue their efforts in public education programs.
45. The permittees established a subcommittee consisting of a number of permittees, the Building Industry Association, the development industry, the California Restaurant Association, and the Western States Petroleum Association and developed the Guidelines for New Development and Redevelopment and developed "Best Management Practices for New Development Including Non-Residential Construction Projects (1-5 acres)". The permittees are implementing the BMPs from this guidance document and are requiring new developments and significant redevelopments to develop and implement appropriate Water Quality Management Plans (WQMP). This order requires additional structural and non-structural BMPs for new developments and significant redevelopments only if an equivalent regional and/or watershed wide management program is not being implemented.
  46. The Regional Board and the permittees recognize the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to water quality protection. A number of such efforts are under way where the permittees are active participants. This order encourages continued participation in such programs and policies. The Regional Board also recognizes that in certain cases, diversion of funds targeted for certain monitoring programs to regional monitoring programs may be necessary. The Executive Officer is authorized to review and approve such diversions.
  47. The storm water regulations require public participation in the storm water management program development and implementation. As such the permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer of the Regional Board. In response to public comments, the permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.
  48. In accordance with California Water Code Section 13389, the issuance of waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
  49. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution 68-16, for this discharge. The Regional Board finds that the storm water discharges are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary.
  50. The Regional Board has notified the permittees and interested parties of its intent to issue waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

51. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the permittees, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and the regulations and guidelines adopted thereunder, shall comply with the following:

**I. RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE:**

The principal permittee shall be responsible for managing the overall storm water program and shall:

1. Conduct chemical, biological and bacteriological water quality monitoring as agreed upon by the Executive Officer of the Regional Board.
2. Conduct inspections and maintain the storm drain systems within its jurisdiction.
3. Implement management programs, monitoring programs, and related plans as required by this order.
4. Prepare and submit to the Executive Officer of the Regional Board, unified reports, plans, and programs necessary to comply with this order.
5. Review and revise, if necessary, policies and ordinances necessary to establish and maintain adequate legal authority, as required by the Federal Storm Water Regulations.
6. Respond to or arrange for responding to emergency situations such as accidental spills, leaks, illicit connections/illegal discharges, etc., to prevent or to reduce the discharges of pollutants to storm drain systems and waters of the U.S.
7. Take appropriate enforcement actions for discharges to the MS4 systems within its jurisdiction.

In addition, the activities of the principal permittee should, at a minimum, include the following:

8. Coordinate permit activities and participate in any subcommittees formed as necessary, to coordinate compliance activities with this order.
9. Provide technical and administrative support and inform the co-permittees of the progress of other pertinent municipal programs, pilot projects, research studies, etc.
10. Coordinate the implementation of area-wide storm water quality management activities such as monitoring program, public education, pollution prevention, etc..
11. Gather and disseminate information on the progress of statewide municipal storm water programs and evaluate the information for potential use in the execution of this order.

12. Monitor the implementation of the plans and programs required by this order and determine their effectiveness in attaining water quality standards. This determination shall include a comparative analysis of monitoring data to the USEPA Multi-Sector Permit Parameter Benchmark Values and applicable water quality objectives for inland surface streams as specified in Chapter 4 of the Basin Plan. A pollutant source investigation and control plan shall be specified where elevated pollutant levels are identified. This evaluation shall be included in the annual report submitted to the Executive Officer.
13. Coordinate with the Regional Board activities pertaining to implementation of this order, including the submittal of all reports, plans, and programs as required under this order.
14. Solicit and coordinate public input for any major proposed storm water management programs and implementation plans.
15. Develop and implement mechanisms, performance standards, etc., to promote consistent implementation of BMPs among the permittees.
16. In conjunction with the other permittees, implement the BMPs listed in the Report of Waste Discharge (ROWD).
17. Cooperate in watershed management programs and regional and/or statewide monitoring programs.

## **II. RESPONSIBILITIES OF THE CO-PERMITTEES**

The co-permittees shall be responsible for managing the storm water program within their jurisdiction and shall:

1. Implement all program elements including but not limited to the management programs, monitoring programs, implementation plans and all BMPs outlined in the ROWD within each respective jurisdiction.
2. Enact and revise policies and ordinances necessary to establish and maintain adequate legal authority as stated in Section V (10) of this order and as required by the Federal Storm Water Regulations, 40CFR, Part 122.26(d)(2)(i)(A-F). By July 1, 2002, the permittees shall evaluate their ordinances to determine if they are authorized to impose administrative fines for storm water violations. Government Code Section 53069.4 authorizes cities to make violations of any ordinance subject to an administrative fine or penalty instead of criminal prosecution. If necessary, the permittees shall adopt ordinances to set a penalty structure and to authorize them to impose and collect fines administratively.
3. Conduct storm drain system inspections and maintenance in accordance with the uniform criteria developed by the principal permittee.
4. Take appropriate enforcement actions for violations of the storm water regulations and ordinances for discharges into the MS4 systems within the co-permittee's jurisdiction.

5. Prepare and submit to the principal permittee any information necessary to develop a unified report for submittal to the Executive Officer of the Regional Board in a timely manner.
6. Each permittee shall designate at least a representative to the Management Committee and shall attend at least 9 out of the 11 Management Committee meetings per year. The Principal Permittee shall be notified immediately of any changes to the designated representative to the Management Committee. The principal permittee will take the lead role in initiating and developing area-wide programs and activities necessary to comply with the NPDES Permit.
7. Conduct and/or coordinate with the principal permittee any surveys and characterizations needed to identify pollutant sources from specific drainage areas.
8. Review and comment on all plans, strategies, management programs, monitoring programs, as developed by the principal permittee or any subcommittee to comply with this order.
9. Participate in committees or subcommittees formed to address storm water related issues to comply with this order.
10. Respond to emergency situations such as accidental spills, leaks, illegal discharges/illicit connections, etc. to prevent or reduce the discharge of pollutants to storm drain systems and waters of the U.S.
11. Pursue enforcement actions as necessary within its jurisdiction to ensure compliance with storm water management programs, ordinances and implementation plans including physical elimination of undocumented connections and illegal discharges.

### **III. DISCHARGE LIMITATIONS**

1. The permittees shall prohibit illicit connections and illegal discharges to the municipal separate storm sewer systems to the maximum extent practicable.
2. Discharges into and from the municipal separate storm sewer systems shall not cause or contribute to a condition of contamination, nuisance, or pollution in waters of the State as defined in Section 13050 of the Water Code.
3. The discharge of storm water from permittees' municipal separate storm sewer systems to waters of the United States containing pollutants that have not been reduced to the maximum extent practicable is prohibited.
4. The permittees shall effectively prohibit the discharge of non-storm water into the MS4s unless such discharges are authorized by either a separate NPDES permit or otherwise as specified in this provision. The following discharges may not contain pollutants and need not be prohibited by the permittees.
  - a) covered by NPDES permits or written clearances issued by the Regional or State Board,



- b) from potable water line flushing and other potable water sources,
- c) from fire hydrant testing and flushing; with appropriate BMPs,
- d) air conditioning condensation,
- e) landscape irrigation, lawn garden watering and other irrigation waters,
- f) from passive foundation drains,
- g) from passive footing drains,
- h) water from crawl space pumps,
- i) dechlorinated swimming pool discharges,
- j) non-commercial vehicle washing,
- k) diverted stream flows,
- l) rising ground waters and natural springs,
- m) ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped groundwater,
- n) flows from riparian habitats and wetlands,
- o) emergency fire fighting flows need not be prohibited; however, appropriate BMPs shall be implemented to the extent practicable; BMPs must be implemented to reduce pollutants from non-emergency fire fighting flows;
- p) waters not otherwise containing wastes as defined in California Water Code Section 13050 (d), and
- q) other types of discharges identified and recommended by the permittees and approved by the Regional Board.

If these discharges are identified by the permittees or the Executive Officer as a source of pollutants, coverage under the Regional Board's de Minimis permit is required. The Executive Officer may add categories of non-storm water discharges that are not significant sources of pollutants or remove categories of non-storm water discharges listed above based upon a finding that the discharges are source of pollutants.

5. For purposes of this order, a discharge may include storm water and other types of discharges as indicated above.
6. Non-storm water discharges from permittee's activities into waters of the U.S. are prohibited unless the non-storm water discharges are permitted by an NPDES permit or are included in Item 4, above.
7. The permittees shall reduce the discharge of pollutants, including trash and debris, to the storm water conveyance systems to the maximum extent practicable.

8. Discharges from the MS4s shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.

#### **IV. RECEIVING WATER LIMITATIONS**

1. Discharges from the MS4s shall not cause or contribute to exceedances of receiving water quality standards (designated beneficial uses and water quality objectives) contained in the Basin Plan, and amendments thereto, for surface or groundwater.
2. The permittees shall comply with Section IV. 1 of this order through timely implementation of control measures and other actions to reduce pollutants in urban storm water runoff in accordance with the ROWD and other requirements of this order including any modifications thereto.
3. If exceedances of water quality standards persist, notwithstanding implementation of the ROWD and other requirements of this order, the permittees shall assure compliance with Section IV. 1 of this order by complying with the following procedure:
  - a) Upon a determination by either the permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable water quality standard, the permittee shall promptly notify and thereafter submit a report to the Executive Officer that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. Determination of the effect of discharges from the MS4 systems on water quality standards shall include a comparative analysis of monitoring data to the USEPA Multi-Sector Permit Parameter Benchmark Values and applicable water quality objectives for inland surface streams as specified in Chapter 4 of the Basin Plan. A pollutant source investigation and control plan shall be developed and implemented where elevated pollutant levels are identified. The report shall address the causes of the impairment or exceedance, and the technical and economic feasibility of control actions available to the Permittees to reduce or eliminate the impairment or exceedance. The report may be incorporated in the annual report unless the Executive Officer directs an earlier submittal. The report shall include an implementation schedule. The Executive Officer may require modifications to the report;
  - b) Submit any modifications to the report required by the Executive Officer within 30 days of notification;
  - c) Within 30 days following approval of the report described above by the Executive Officer, the permittees shall revise the storm water management programs and monitoring program to incorporate the

approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

- d) Implement the revised storm water management programs and monitoring program in accordance with the approved schedule.
- e) So long as the permittees have complied with the procedures set forth above and are implementing the revised storm water management programs, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Executive Officer to do so.

## **V. IMPLEMENTATION AGREEMENT**

No later than November 30 of each year, the permittees shall evaluate the storm water management structure and the Implementation Agreement and determine the need for any revision. The annual report shall include the findings of this review and a schedule for any needed revisions.

## **VI. LEGAL AUTHORITY/ENFORCEMENT**

- 1. The permittees shall maintain and enforce adequate legal authority to control discharge of pollutants into and from their MS4 systems.
- 2. The permittees shall take appropriate enforcement actions, including monetary penalties, non-monetary penalties, bonding requirements, and/or permit denials, suspension, or revocation, against any violators of their codes and/or ordinances in accordance with the formalized enforcement procedures developed by the Management Committee.
- 3. The permittees shall continue to provide notification to Regional Board staff regarding storm water related information gathered during site inspections of industrial and construction sites regulated by the Statewide General Storm Water Permits or sites which should be regulated under the State's General Permits. The notification should include any observed violations of the General Permits, prior history of violations, any enforcement actions taken by the permittee, and any other relevant information.
- 4. By July 1, 2003, the permittees shall review the ordinances that establish legal authority required by this permit to determine the effectiveness of these ordinances in prohibiting or otherwise controlling the following types of discharges to the MS4s:
  - a) Sewage, where authority exists;
  - b) Wash water resulting from the hosing or cleaning of gas stations, and other type of automobile service stations;
  - c) Discharges resulting from the cleaning, repair, or maintenance of any

type of equipment, machinery, or facility including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;

- d) Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, etc.;
- e) Water from cleaning of municipal, industrial, commercial, residential areas (including parking lots), streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;
- f) Runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials,
- g) Discharges from pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;
- h) Pet waste, yard waste, debris, sediment, etc;
- i) Restaurant wastes such as grease, floor mat and trash bin wash water, food waste, etc.

## **VII. ILLEGAL DISCHARGE/ILLICIT CONNECTIONS; LITTER, DEBRIS AND TRASH CONTROL**

1. The permittees shall continue to prohibit all illicit connections and illegal discharges to the MS4s through their ordinances, inspections, and monitoring programs. If routine inspections or dry weather monitoring indicate any illicit connections, they shall be investigated and eliminated or permitted within 60 days of discovery and identification.
2. All reports of spills, leaks, and/or illegal dumping shall be promptly investigated and those incidents that may pose an immediate threat to human health or the environment shall be reported to the Executive Officer within 24 hours by phone or e-mail, with a written report within 5 days. At a minimum, all sewage spills above 1,000 gallons and all reportable quantities of hazardous waste spills as per 40 CFR 117 and 302 shall be reported within 24 hours and all other spill incidents shall be included in the annual report. The permittees may propose a reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Health/Fire Department for approval by the Executive Officer.
3. The permittees shall implement appropriate control measures to reduce and/or to eliminate the discharge of trash and debris to waters of the U.S. These control measures shall be reported in the annual report.
4. By July 1, 2003, the permittees shall review their litter/trash control ordinances to determine the need for any revision. The permittees are encouraged to characterize trash, determine its main source(s), and develop and implement appropriate BMPs to control trash in urban runoff. The findings of this review shall be included in the annual report for 2003.

5. By July 1, 2003, the permittees shall determine the need for any additional debris control measures. The findings shall be included in the annual report for 2003.

**VIII. CRITERIA FOR ACCEPTING RUNOFF INTO THE MS4s**

1. The permittees shall ensure that pollutants in runoff from municipal construction, industrial, and other activities have been reduced to the maximum extent practicable before entering the MS4s unless the MS4s are used to convey storm water to an approved regional treatment system.
2. The permittees shall also ensure that the discharges from other industrial and construction sites entering the MS4 systems meet technology-based standards.

**IX. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, AND SEPTIC SYSTEM FAILURES**

1. By July 1, 2003, the principal permittee, in coordination with the local sewerage agencies, shall propose a mechanism to determine and control the impact of infiltration from leaking sanitary sewer systems on storm water quality. At a minimum, these guidelines shall include a mechanism to address exfiltration from all sanitary sewer lines that are 24 inches or larger. The permittees shall provide 24 hour access to local sanitation districts to the MS4s to to address any sewage spills. The Executive Officer will request the local sewerage agencies to work cooperatively with the permittees in developing these guidelines.
2. By July 1, 2003, the permittees, whose jurisdictions have 50 or more septic tank sub-surface disposal systems in use, shall identify with the appropriate governing agency a mechanism to determine the effect of septic system failures on storm water quality and a mechanism to address such failures.
3. The principal permittee shall collaborate with the local sewerage agencies to develop a unified response mechanism to respond to any sewage spills that may have an impact on receiving water quality. The Executive Officer will request the local sewerage agencies to take the lead and develop the unified response guidance, by no later than July 1, 2003, in cooperation with the principal permittee.
4. By July 1, 2003, the principal permittee shall review the permittees' current oversight programs for portable toilets to determine the need for any revision.

**X. NEW DEVELOPMENT (INCLUDING SIGNIFICANT RE-DEVELOPMENT)**

**A. GENERAL REQUIREMENTS**

1. By July 1, 2002, the permittees shall establish a mechanism to ensure (prior to issuance of any local permits or other approvals) that all construction projects and industrial facilities that are required to obtain coverage under the State's General

Storm Water Permits have filed with the State Board a Notice of Intent to be covered by the relevant General Permit. Applicants shall be required to provide a copy of the Waste Discharger Identification Number (WDID) issued by the State Board as evidence of coverage under the General Permit.

2. By July 1, 2002, the permittees shall review and modify the approval process for building, grading, and similar permits to include incorporation of BMPs as provided in the Guidelines for New Development and Redevelopment.
3. Each permittee shall review and revise the storm water management program and implement any changes in the program, as necessary, in order to require construction site dischargers to reduce pollutants in runoff from construction sites during all construction phases. At a minimum, the program shall address:
  - a) Pollution prevention measures and public education
  - b) Grading Ordinance and any other local requirements
  - c) Verification of coverage under the State's General Permit
  - d) Procedures for reporting non-compliance
  - e) Procedures for review and approval of WQMP

The permittees shall require applicants to prepare a WQMP in accordance with Appendix B of the ROWD and to incorporate identified structural and non-structural BMPs into the development.

4. Each permittee shall review and revise the storm water management program and implement any changes in the program, as necessary in order to require industrial site dischargers to reduce pollutants in runoff from new and existing industrial sites. At a minimum this program shall address:
  - a. Pollution prevention measures and public education
  - b. Source identification
  - c. Monitoring and inspection of industrial sites
  - d. Verification of coverage under the State's General Permit
  - e. Enforcement of local ordinances and other requirements for industrial sites
  - f. Reporting of non-compliance

The permittees shall require applicants to prepare a WQMP in accordance with Appendix B of the ROWD and incorporate identified structural and non-structural BMPs into the development.

5. Each permittee shall minimize the short and long-term impacts on receiving water quality from new developments and re-developments within its jurisdiction. In order to reduce pollutants and runoff flows from new developments and re-developments to the maximum extent practicable, permittees shall at a minimum:

- a) Revise General Plan/CEQA Processes to address storm water issues
  - b) Review and modify project approval process
  - c) Conduct public and business education
6. Within 120 days of the issuance of this order, the permittees shall review their planning procedures and CEQA document preparation processes to ensure that storm water-related issues are properly considered and addressed. If necessary, these processes shall be revised to include storm water requirements including appropriate mitigation measures. These may include revising the General Plan, modifying the project approval processes, including a section on urban runoff related water quality issues in the CEQA checklist, and conducting training for project proponents.
7. By July 1, 2004, the permittees shall incorporate watershed protection principles and policies into the General Plan or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) and provide proof of such action in the 2004 annual report. These principles and policies shall include the following considerations:
- a) Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies;
  - b) Minimize changes in hydrology and pollutant loading; require incorporation of controls including structural and non-structural BMPs to mitigate any projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site do not increase downstream erosion, and do not adversely impact stream habitat; minimize the quantity of storm water directed to impermeable surfaces and the MS4s; maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground;
  - c) Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;
  - d) Investigate the feasibility & effectiveness of water quality wetlands, biofiltration swales, watershed-scale retrofits, etc. for use at new and/or existing developments;
  - e) Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site; and
  - f) Establish development guidelines for areas particularly susceptible to erosion and sediment loss.
8. By July 1, 2002, the permittees shall review their current grading/erosion control ordinances to determine the need for any revision.

9. The permittees shall, through conditions of approval, insure proper maintenance and operation of any permanent flood control structures installed in new developments. The parties responsible for the maintenance and operation of the facilities, and a funding mechanism for operation and maintenance shall be identified prior to approval of the project.
10. By July 1, 2003, the principal permittee shall identify a new development site to evaluate the effectiveness of a selected BMP. A proposal for this study shall be included in the 2003 annual report including details of the project site, the BMP selected for the study, and a proposed schedule to complete the study.
11. The permittees shall continue to implement BMPs for new development and for public works construction.
12. By July 1, 2003, the permittees shall review their Guidelines for New Development and Redevelopment to determine the need for any revisions.

**B. WATER QUALITY MANAGEMENT PLAN (WQMP) FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/SIGNIFICANT RE-DEVELOPMENT)**

1. By July 1, 2003, the permittees shall review their existing BMPs for new developments to determine the need for developing any additional WQMPs for urban runoff from new developments/significant re-developments for the type of projects listed below. Significant re-development is defined as the addition of 5,000 or more square feet of impervious surface on an already developed site. This includes additional buildings and/or structures, extension of existing footprint of a building, construction of parking lots, etc.
  - a) All significant re-development projects.
  - b) Home subdivisions of 10 units or more. This includes single family residences, multi-family residence, condominiums, apartments, etc.
  - c) Commercial developments of 100,000 square feet or more. This includes non-residential developments such as hospitals, educational institutions, recreational facilities, mini-malls, hotels, office buildings, warehouses, and light industrial facilities.
  - d) Automotive repair shops (with SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539).
  - e) Restaurants where the land area of development is 5,000 square feet or more.
  - f) Hillside developments of 10,000 square feet or more which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.
  - g) Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into environmentally sensitive areas such as areas designated in the Ocean Plan as areas of



special biological significance or waterbodies listed on the CWA Section 303(d) list of impaired waters.

- h) Parking lots of 5,000 square feet or more exposed to storm water. Parking lot is defined as land area or facility for the temporary storage of motor vehicles.
  - i) Retail gasoline outlets.
2. The permittees are encouraged to include in the WQMP the development and implementation of regional and/or watershed management programs that address runoff from new development and significant re-development. The WQMP shall include BMPs for source control, pollution prevention, and/or structural treatment BMPs. For all structural treatment controls, the WQMP shall identify the responsible party for maintenance of the treatment systems, and a funding source or sources for its operation and maintenance. The goal of the WQMP is to develop and implement programs and policies to ensure that urbanization does not significantly change the hydrology of the site, increase the urban runoff flow rates or velocities or increase the pollutant loads. The following goals shall be achieved in developing a WQMP.
- a. The pollutants in post-development runoff shall be reduced to the maximum extent practicable.
  - b. The discharge of any listed pollutant in levels exceeding pre-development levels is prohibited to impaired water bodies on the 303(d) list. This requirement may be met by maintaining the total load of the listed pollutant to pre-development levels.
3. If these goals are not properly addressed in the WQMP, and in the absence of an approved WQMP, the structural BMPs for new developments and significant redevelopment shall be sized to comply with one of the following numeric sizing criteria:

**Volume**

Volume-based BMPs shall be designed to infiltrate or treat either:

- 1. The volume of runoff produced from a 24-hour 85<sup>th</sup> percentile storm event, as determined from the local historical rainfall record; or
- 2. The volume of annual runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or
- 3. The volume of annual runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook –

Industrial/commercial (1993); or

4. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile 24-hour runoff event;

**OR**

**Flow**

Flow-based BMPs shall be designed to infiltrate or treat either:

1. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
2. The maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
3. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two.

**C. Groundwater Protection/Vector and Odor Control**

Any structural infiltration BMPs shall meet the following minimum requirements:

1. Use of structural infiltration treatment BMPs shall not cause or contribute to an exceedance of groundwater water quality objectives.
2. Source control and pollution prevention control BMPs shall be implemented to protect groundwater quality.
3. Structural infiltration treatment BMPs shall not be used in industrial or high vehicular traffic areas (25,000 or greater average daily traffic).
4. Structural infiltration treatment BMPs shall be located at least 100 feet horizontally from any water supply wells.
5. Structural infiltration treatment BMPs shall not cause a nuisance, including odor and vectors. Certain BMPs implemented or required by the permittees for urban runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the permittees and local vector control agencies and the State Department of Health Services during the development and implementation of urban runoff management programs are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this permit is intended to prohibit inspection or abatement of vectors by the State or

local Vector Control agencies in accordance with the Health and Safety Code.

The permittees may propose any equivalent sizing criteria for treatment BMPs or other controls that will achieve greater or substantially similar pollution control benefits. In the absence of an approved sizing criterion, the permittees shall implement the above stated sizing criteria. If the BMP is not technically feasible or if the cost of BMP implementation greatly outweighs the pollution control benefits, the permittees may grant a waiver of the numeric sizing criteria. If a waiver is granted, any cost savings must be contributed to an urban water quality improvement project within the same watershed.

## **XI. PUBLIC EDUCATION AND OUTREACH**

1. The permittees shall continue to implement the public education efforts already underway and shall implement all elements of the comprehensive public and business education strategy contained in the Report of Waste Discharge. By July 1, 2002, the permittees shall complete a public awareness survey to determine the effectiveness of the current public and business education strategy.
2. When feasible, the permittees shall participate in joint outreach with other programs including, but not limited to, the State of California Storm Water Quality Task Force, Caltrans, and other municipal storm water programs to ensure that a consistent message on storm water pollution prevention is disseminated to the public. The permittees shall sponsor or staff a storm water table or booth at community, regional, and/or countywide events to distribute public education materials to the public. Each permittee shall participate in at least one event per year.
3. By December 1, 2002, the Management Committee shall make recommendations for any changes to the public and business education program. The goal of the public and business education program shall be to target 100% of the residents including businesses, commercial and industrial establishments. The Committee shall ensure implementation of BMPs listed in ROWD (Appendix C) for restaurants, automotive service centers, gasoline service stations and other similar facilities. The permittees shall distribute these BMP brochures to these facilities during inspections and/or through other means.
4. Within six months of adoption of this order, the permittees shall develop public education materials to encourage the public to report (including a hotline telephone number to report) illegal dumping from residential, industrial, construction and commercial sites into public streets, storm drains and other waterbodies.
5. By July 1, 2003, the permittees shall develop BMP guidelines for the control of those potentially polluting activities not otherwise regulated by any agency including guidelines for the household use of fertilizers, pesticides, herbicides, and other chemicals, guidelines for mobile vehicle maintenance activities, carpet

cleaners, commercial landscape maintenance, and pavement cutting. These guidelines shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings, and/or mail.

## **XII. MUNICIPAL FACILITIES/ACTIVITIES**

1. Each permittee shall adopt the performance goals and implement the commitments included under Section 5.5 of the ROWD to ensure that public agency facilities and activities do not cause or contribute to a pollution or nuisance in receiving waters.
2. By July 1, 2003, the permittees shall complete an assessment of their flood control facilities to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices and to optimize beneficial uses. These modifications may include in-channel sediment basins, bank stabilization, water treatment wetlands, etc.
3. By July 1, 2002, the Management Committee shall develop and distribute to all permittees a BMP fact sheet to address public agency activities such as, road construction and maintenance, street sweeping, catch basin stenciling, drainage facility cleaning and maintenance, etc. This shall be reported in the 2002 annual report.
4. By July 1, 2002, the Management Committee shall develop and distribute BMP guidelines for public agency and contract field operations and maintenance staff. These guidelines shall describe appropriate pollution control measures, appropriate response to spills and illegal discharges, etc. Contractor training requirements shall be included in new contracts and contracts that come up for renewal. This shall be reported in the 2002 annual report.
5. Each permittee shall provide training to public agency staff and to contract field operations staff on fertilizer and pesticide management, model maintenance procedures, and implementation of other pollution control measures. Each permittee shall designate key staff involved in public agency activities to attend at least three such training sessions during the five-year term of this permit.
6. By July 1, 2003, the Management Committee shall evaluate the efficiency and cost effectiveness of the available BMPs for litter control and develop recommendations for any needed improvements. This shall be reported in the 2003 annual report.
7. Each permittee shall identify areas that are not subject to street sweeping due to lack of continuous curb and gutter, and evaluate their potential for impacting storm water quality. Appropriate BMPs shall be implemented where significant water quality impact is identified. This shall be reported in the 2003 annual report.
8. Each permittee shall inspect and maintain at least 80% of its drainage facilities on an annual basis, with 100% of the facilities included in a two-year period, using the

BMP fact sheet developed by the Management Committee. This shall be included in the annual report.

9. Each permittee will clean those drainage facilities where the inspection reveals that the sediment/storage volume is 25% full, or where there is evidence of illegal discharge or if accumulated sediment or debris impairs the hydraulic capacity of the facility.

### **XIII. MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES**

1. This order authorizes the discharge of storm water runoff from construction projects that may result in land disturbance of five (5) acres or more (or less than five acres, if it is part of a larger common plan of development or sale which is five acres or more) that are under ownership and/or direct responsibility of any of the permittees.
2. Prior to commencement of construction activities, the permittees shall notify the Executive Officer of the Regional Board of the proposed construction project. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project.
3. The permittees shall develop and implement a storm water pollution prevention plan (SWPPP) and a monitoring program that is specific for the construction project prior to the commencement of any of the construction activities. The SWPPP shall be kept at the construction site and released to the public and/or Regional Board staff upon request.
4. The SWPPP and the monitoring program for the construction projects shall be consistent with the requirements of the latest version of the State's General Construction Activity Storm Water Permit.
5. The permittees shall give advance notice to the Executive Officer of the Regional Board of any planned changes in the construction activity, which may result in non-compliance with the latest version of the State's General Construction Activity Storm Water Permit.
6. All other terms and conditions of the latest version of the State's General Construction Activity Storm Water Permit shall be applicable.

### **XIV. PROGRAM MANAGEMENT**

By October 1 of each year, the permittees shall evaluate the storm water management plan to determine the need for any revisions. At a minimum, the first annual review after adoption of this order shall include:

1. A description of any additional formal training needs for municipal employees.
2. A description of the need for additional coordinating meeting/training for the designated NPDES inspectors.

3. The annual report shall include the findings of this review and a schedule for any needed revisions.
4. The Management Committee will continue to meet at least 11 times a year to discuss issues related to permit implementation and regional and statewide issues. Each permittee's designated representative or a designated alternate should attend not less than 9 out of 11 meetings.

#### **XV. FISCAL RESOURCES**

The permittees shall provide adequate funding for administration, implementation and enforcement of the area-wide storm water management program elements and local storm water programs. The permittees shall prepare and submit a unified fiscal analysis to the Executive Officer of the Regional Board. The fiscal analysis shall be submitted with the Annual Report document no later than November 15th of each year and shall, at a minimum, include the following:

1. Each permittee's expenditures for the previous fiscal year,
2. Each permittee's budget for the current fiscal year,
3. A description of the source of funds, and
4. Each permittee's estimated budget for the next fiscal year.

#### **XVI. PROVISIONS**

##### **GENERAL**

1. Permittees shall demonstrate compliance with all the requirements in this order and specifically with Section III. Discharge Limitations and Section IV. Receiving Water Limitations, through timely implementation of their management program and any approved modifications, revisions, or amendments developed pursuant to this order. The management plan, as included in the Report of Waste Discharge, including any approved amendments thereto, is hereby made an enforceable component of this order.
  4. The ROWD is hereby made an enforceable component of this order.
2. The permittees shall implement all elements of the ROWD. Where the dates are different from the corresponding dates in this order, the dates in this order shall prevail. Any proposed revisions to the ROWD shall be submitted with the Annual Report to the Executive Officer of the Regional Board for review and approval. All approved revisions to the ROWD shall be implemented as per the time schedules approved by the Executive Officer.
3. The permittees shall comply with Monitoring and Reporting Program No. 01-16 and any revisions thereto, which are hereby made a part of this order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this order, and to allow the permittees to

participate in regional, statewide, national or other monitoring programs in lieu of or in addition to Monitoring and Reporting Program No. 01-16.

4. Upon approval by the Executive Officer of the Regional Board, all plans, reports and subsequent amendments required by this order shall be implemented and shall become an enforceable part of this order. Prior to approval by the Executive Officer, these plans, reports and amendments shall not be considered as an enforceable part of this order.
5. The permittees shall report to the Executive Officer of the Regional Board:
  - a. Any enforcement actions and discharges of storm or non-storm water, known to the permittees, which may have an impact on human health or the environment, and
  - b. Any suspected or reported activities on federal, state, or other entity's land or facilities, where the permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing pollutants to waters of the US.
6. The permittees shall immediately report any discharge that may endanger human health or the environment including any unauthorized discharge to the Executive Officer or his designee (909-782-3238, or by e-mail to: [sw@rb8.swrcb.ca.gov](mailto:sw@rb8.swrcb.ca.gov)) and to the Office of Emergency Services (1-800-852-7550). This reporting should be done by phone or e-mail as soon as the permittees become aware of the circumstances. A written report of the discharge or incident shall be submitted to the Executive Officer within five days.
7. The permittees shall not issue occupancy permits unless the applicant is informed of his obligation under the State's General Industrial Activities Storm Water Permit. The permittees shall not issue any grading permit for construction activities which will disturb five acres or more (or less than five acres, if it is part of a larger common plan of development or sale which is five acres or more) until proof of coverage with the State's General Construction Activity Storm Water Permit is verified. The proof of coverage may include a letter from the Regional Board office, a copy of the Notice of Intent, Waste Discharger Identification number, etc.
8. Permit application and special NPDES program requirements contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c) are incorporated into this order by reference.

## **XVII. PERMIT EXPIRATION AND RENEWAL**

1. This order expires on September 1, 2006 and the permittees must file a Report of Waste Discharge (permit application) no later than 180 days in advance of such

expiration date as application for issuance of new waste discharge requirements. The Report of Waste Discharge shall, at a minimum, include the following:

- a) Any revisions to the storm water management program including, but not limited to, all the activities the permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.;
  - b) Changes in land use and/or population including map updates;
  - c) Any significant changes to the storm drain systems, outfalls, detention or retention basins or dams, and other controls including map updates of the storm drain systems; and
  - d) Any new or revised program elements and compliance schedule(s) necessary to comply with Section IV of this order.
5. This Order may be modified, revoked or reissued prior to its expiration date for the following reasons:
  - a) To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this order;
  - b) To incorporate applicable requirements of statewide water quality control plans adopted by the State Water Resources Control Board or any amendments to the Basin Plan approved by the Regional Board, the State Board, and, if necessary, by the Office of Administrative Law;
  - c) To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this order; or
  - d) To incorporate any requirements imposed upon the permittees through the TMDL process.
6. This order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 (p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the U. S. EPA has no objections. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
7. Order No. 96-32 is hereby rescinded.



I, Gerard Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on .....

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Gerard J. Thibeault  
Executive Officer

Attachment 1

PROJECT AREA

Attachment 2

*Inland Surface Streams*

A. Santa Ana River

Santa Ana River, Reaches 4, 5, and 6

B. San Bernardino Mountain Streams

Mill Creek Drainage

Mill Creek, Reaches 1 and 2

Mountain Home Creek

Mountain Home Creek, East Fork

Monkey Face Creek

Alger Creek

Falls Creek

Vivian Creek

High Creek

Other Tributaries: Lost, Oak Cove, Green, Skinner, Momyer and Glen Martin Creeks, and other Tributaries to these Creeks

Bear Creek Drainage

Bear Creek

Siberia Creek

Slide Creek

All Other Tributaries to these Creeks

Big Bear Lake Tributaries

North Creek

Metcalf Creek

Grout Creek

Rathbone (Rathbun) Creek

Other Tributaries to Big Bear Lake: Johnson, Minnelusa, Polique, and Red Ant Creeks, and other Tributaries to these Creeks

Baldwin Lake Drainage

Shay Creek

Other Tributaries to Baldwin Lake: Sawmill, Green, and Caribou Canyons and other Tributaries to these Creeks.

C. Other Streams Draining to Santa Ana River (Mountain Reaches)

Cajon Creek

City Creek

Devil Canyon Creek

East Twin and Strawberry Creeks

Waterman Canyon Creek

Fish Creek

Forsee Creek

Plunge Creek

Barton Creek

Bailey Canyon Creek

Kimbark Canyon, East Fork Kimbark Canyon, Ames Canyon and West Fork Cable Canyon Creeks

Valley Reaches of Above Streams

Other Tributaries (Mountain Reach): Alder, Badger Canyon, Bledsoe Gulch, Borea Canyon, Breakneck, Cable Canyon, Cienega Seca, Cold, Converse, Coon, Crystal, Deer, Elder, Fredalba, Frog, Government, Hamilton, Heart Bar, Hemlock, Keller, Kilpecker, Little Mill, Little Sand Canyon, Lost, Meyer Canyon, Mile, Monroe Canyon, Oak, Rattlesnake, Round Cienega, Sand, Schneider, Staircase, Warm Springs Canyon and Wild Horse Creeks, and other tributary to these Creeks.

D. San Gabriel Mountain Streams (Mountain Reaches)

San Antonio Creek

Lytle Creek (South, Middle, and North Forks) and Coldwater Canyon Creek

Day and East Etiwanda Creeks

Valley Reaches of Above Streams

Cucamonga Creek (Mountain Reach)

Cucamonga Creek (Valley Reach)

Other Tributaries (Mountain Reaches): San Sevaine, Deer, Duncan Canyon, Henderson Canyon, Stoddard Canyon, Icehouse Canyon, Cascade Canyon, Cedar, Falling Rock, Kerkhoff and Cherry Creeks, and other Tributaries to these Creeks.

E. San Timoteo Area Streams

San Timoteo Creek, Reaches 1 and 2

Oak Glen, Potato Canyon and Birch Creeks

Yucaipa Creek

F. Prado Area Streams

Chino Creek

G. Lake and Reservoirs

Baldwin Lake

Big Bear Lake

Jenks Lake

Attachment 3

LIST OF OTHER ENTITIES WITH THE POTENTIAL TO DISCHARGE POLLUTANTS  
TO THE SAN BERNARDINO COUNTY STORM WATER CONVEYANCE SYSTEM

Government Agencies

U.S. Army Corps of Engineers

U.S. Department of Agriculture - Forest Services, San Bernardino County  
National Forest

California Department of Transportation (Cal Trans)

California Department of Parks and Recreation - Chino Hills State Park

Inland Valley Development Agency, San Bernardino International Trade Center  
and Airport

Hospitals

Bear Valley Community Hospital

Chino Community Hospital

Doctors Hospital

Kaiser Foundation Hospital

Loma Linda Community Hospital

Loma Linda University Medical Center

Mountains Community Hospital

Ontario Community Hospital

Patton State Hospital

U.S. Department of Veterans Affairs - Jerry L. Pettis Memorial Veterans Medical  
Center

Redlands Community Hospital

St. Bernardino Medical Center

San Antonio Community Hospital

San Bernardino Community Hospital

San Bernardino County Hospital

Railroads

AT&SF Railway Company

Southern Pacific Railroad Company

School Districts

Alta Loma Elementary School District  
Bear Valley Unified School District  
Central Elementary School District  
Chaffey Joint Union High School District  
Chino Valley Unified School District  
Colton Joint Unified School District  
Cucamonga Elementary School District  
Etiwanda Elementary School District  
Fontana Unified School District  
Mountain View Elementary School District  
Mt. Baldy joint Elementary School District  
Ontario-Montclair Elementary School District  
Rialto Unified School District  
Rim of the World Unified School District  
Redlands Unified School District  
San Bernardino City Unified School District  
Upland Unified School District  
Yucaipa Joint Unified School District

Universities and Colleges

California State University - California State University San Bernardino  
San Bernardino Community College District - Chaffey College Campus  
San Bernardino Community College District - Crafton Hills College Campus  
San Bernardino Community College District - San Bernardino Valley College  
Campus  
University of Redlands  
Loma Linda University

Water Districts

Big Bear Municipal Water District  
Inland Empire Utilities Agency

Cucamonga County Water District  
East Valley Water District  
Monte Vista Water District  
San Bernardino Valley Municipal Water District  
West San Bernardino County Water District  
Yucaipa Valley Water District

Transportation

Omnitrans  
Metrolink (Fontana, Montclair, Ontario, Rancho Cucamonga, Rialto, San Bernardino)  
Redlands Municipal Airport  
Rialto Municipal Airport  
Chino Airport  
Cable Airport

Other Potential Dischargers

United States Postal Service  
California National Guard



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

**MONITORING AND REPORTING PROGRAM NO. 01-16**

**NPDES NO. CAS618036**

**FOR**

**THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, THE COUNTY OF  
SAN BERNARDINO, AND THE INCORPORATED CITIES OF SAN BERNARDINO  
COUNTY WITHIN THE SANTA ANA REGION**

**AREA-WIDE URBAN STORM WATER RUNOFF**

**I. GENERAL**

1. Revisions of the monitoring and reporting program may be necessary to ensure that the discharger is in compliance with requirements and provisions contained in this order. Revisions may be made by the Executive Officer at any time during the term of this order, and may include a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, number of sampling locations, or the number samples collected.
2. All sample collection, handling, storage, and analyses shall be in accordance with 40 CFR Part 136.
3. The permittees are authorized to complement monitoring data from other sources provided those sources are identical to sources in the Santa Ana Watershed.
4. The Executive Officer is authorized to allow the permittees to participate in statewide, national, or other monitoring programs in lieu of this monitoring program.
5. The permittees shall develop and submit a consolidated monitoring program for approval by the Executive Officer of the Regional Board. The consolidated program for water quality monitoring should be capable of attaining the objectives mentioned below.

**II. OBJECTIVES**

The overall goal of this monitoring program is to develop and support an effective watershed management program. The following are the major objectives of this monitoring program:

1. To define water quality status, trends, and pollutants of concern associated with urban storm water discharges and their impact on the beneficial uses of the receiving waters.
2. To identify the sources of pollutants in storm water runoff to the maximum extent possible.
3. To characterize pollutants and to assess the influence of land use on water quality.
4. To identify significant water quality problems related to storm water discharges within the watershed.

5. To evaluate the effectiveness of existing management programs, including an estimate of pollutant reductions achieved by the structural and nonstructural BMPs.
6. To identify other sources of pollutants in storm water runoff to the extent possible (e.g., atmospheric deposition, contaminated sediments, other non-point sources, etc.).
7. To conduct monitoring in cooperation with Riverside County for investigation of Bacteriological Impairments in the upper Santa Ana River.
8. To verify and to control illegal discharges.
9. To identify those waters which without additional action to control pollution from storm water discharges cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of the Basin Plan.
10. To evaluate costs and benefits to the stakeholder including the public.

The permittees have been monitoring storm water and receiving waters since the first permit term. It is recognized that some of these objectives may not have been attainable during the previous permit terms. It is hoped that continuous monitoring for long term shall help to accomplish these objectives. The Regional Board authorizes the Executive Officer to evaluate and determine adequate progress toward meeting each objective.

This Order references three components of the monitoring program: (1) The existing monitoring program; this monitoring program shall continue to be implemented until the integrated watershed monitoring program is approved; (2) An integrated watershed monitoring program is to be developed under this order to identify data gaps and to attain the above-mentioned objectives; and (3) Other regional monitoring efforts where the permittees participate or make monetary contributions.

### **III. MONITORING PROGRAM REQUIREMENTS**

1. By July 1, 2003, the permittees shall complete the GIS-based mapping of drainage area information, including drainage system facilities, land uses, and receiving waters. By December 1, 2003, the permittees shall complete an assessment of the relative pollutant loading from different drainage areas to the receiving waters. This information shall be reported in the annual reports starting in 2004.
2. By December 1, 2003, the permittees shall evaluate the effectiveness of selected BMPs in controlling pollutant loads in urban storm water runoff. The results shall be included in the annual reports starting from 2004.
3. By July 1, 2002, the Principal Permittee, in collaboration with the co-permittees, shall develop and submit for approval of the Executive Officer a bacteriological monitoring program to determine the sources of bacteriological contamination in the Santa Ana River. This program shall include wet and dry weather monitoring

in the River and its major tributaries within the permittees jurisdiction.

4. By July 1, 2002, the permittees shall revise and submit for approval of the Executive Officer an integrated watershed monitoring program geared towards achieving the above stated objectives and additional objectives that the Executive Officer may deem appropriate. In developing this program, the principal permittee is encouraged to seek cooperation with the permittees from the Riverside and Orange Counties. The Executive Officer or his/her designated representative(s) shall facilitate the coordination meetings or subcommittees formed to achieve this goal. The development and implementation of the monitoring program shall be in accordance with the time schedules prescribed by the Executive Officer. At a minimum, the program shall include the following:
  - a) Uniform guidelines for quality control, quality assurance, data collection and data analyses.
  - b) A mechanism for the collection, analyses and interpretation of existing data from San Bernardino County monitoring programs and other similar programs. These and other data from local, regional or national sources should be utilized to characterize different storm water sources; to determine pollutant generation, transport and fate; to develop a relationship between land use, development size, storm size and the event mean concentration of pollutants; to determine spatial and temporal variances in storm water quality and seasonal and other bias in the collected data; and to identify any unique features of the Santa Ana Watershed. The permittees are encouraged to use data from similar studies, if available.
  - c) A description of the monitoring program including:
    - i. The number of monitoring stations;
    - ii. Environmental indicators (e. g., ecosystem, biological, habitat, chemical, sediment, stream health, etc.) chosen for monitoring;
    - iii. Parameters selected for field screening and for laboratory work; and
    - iv. Total number of samples to be collected from each station, receiving water and major outfall monitoring, frequency of sampling during wet and dry weather, short duration or long duration storm events, type of samples (grab, 24-hour composite, etc.), and the type of sampling equipment.
  - c) A mechanism for analyzing the collected data and interpreting the results including:
    - I. An evaluation of the effectiveness of the best management practices, and need for any refinement of the management

practices;

- II. An evaluation of water quality status, trends, and pollutants of concern associated with urban storm water discharges and their impact on the beneficial uses of the receiving waters;
  - III. Characterization and identification of sources of pollutants in storm water runoff and an assessment of the influence of land use on water quality;
  - IV. Identification of significant water quality problems related to storm water discharges within the watershed;
  - V. Evaluation of the effectiveness of existing management programs, including an estimate of pollutant reductions achieved by the structural and nonstructural BMPs;
  - VI. Evaluation of sources of bacteriological contamination in the upper Santa Ana River in coordination with Riverside County;
  - VII. Identification of those waters which without additional action to control pollution from storm water discharges cannot reasonably be expected to attain or maintain applicable water quality standards specified in the Basin Plan; and
  - VIII. Analysis and interpretation of the collected data to determine the impact of storm water runoff and/or validate any water quality models.
5. Pending approval of the integrated watershed monitoring program, the permittees shall continue existing wet weather monitoring at storm drain monitoring Sites 2, 3, and 5, as identified in the approved monitoring program amended on January 24, 2001. The permittees shall focus on source identification and source control efforts based on the results of these and other monitoring efforts.

#### **IV. REPORTING**

1. All progress reports and proposed strategies and plans required by this order shall be signed by the principal permittee and copies shall be submitted to the Executive Officer of the Regional Board under penalty of perjury.
2. The permittees shall submit an ANNUAL PROGRESS REPORT to the Executive Officer of the Regional Board and to the Regional Administrator of U.S. EPA, Region 9, no later than November 15 of each year. This progress report may be submitted in a mutually agreed upon electronic format. At a minimum, the annual progress report shall include the following:
  - a) A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this order.

- b) An assessment of the effectiveness of control measures established under the illicit discharge elimination program and the ROWD. The effectiveness may be measured in terms of how successful the program has been in eliminating illicit/illegal discharges and in reducing pollutant loads in storm water discharges.
  - c) An assessment of any storm water management program modifications made to comply with Clean Water Act requirements to reduce the discharge of pollutants to the maximum extent practicable.
  - d) An analysis and discussion of the monitoring results and any impacts on the receiving waters. Also, recommendations for corrective actions during the upcoming year of management program implementation and monitoring.
  - e) An analysis of the effectiveness of the overall storm water management program and identification of proposed programs which will result in the attainment of the water quality standards, and a time schedule to implement the new programs.
  - f) An assessment of the public education program (including industrial facilities and construction sites) and educational activities proposed for the upcoming year.
  - g) A progress report on the prosecution of illegal dischargers and reduction or elimination of illegal discharges.
3. Permittees shall be responsible for the submittal of all required information and materials needed to comply with this order in a timely manner to the principal permittee. All such submittals shall be signed by a duly authorized representative of the permittee under penalty of perjury.

## V. REPORTING SCHEDULE

All reports required by this order shall be submitted to the Executive Officer of the Regional Board in accordance with the following schedule:

Reporting Schedule (Order 01-16)		
ITEM	COMPLETION DATE/FREQ.	REPORT DUE DATE
<b>IV. RECEIVING WATER LIMITATIONS:</b> Pollutant source investigation and control plan to prevent or reduce pollutants from MS4 systems causing or contributing to exceedance of water quality standards.	As needed	Nov. 15
<b>V. IMPLEMENTATION AGREEMENT:</b> Evaluate storm water management structure and implementation agreement	Annually	Nov. 15
<b>VI. LEGAL AUTHORITY/ ENFORCEMENT:</b> Review ordinances establishing legal authority to determine effectiveness in prohibiting different types of discharges	One Time	July 1, 2003
<b>VII. ILLEGAL/ILLICIT CONNECTIONS; LITTER, DEBRIS AND TRASH CONTROL:</b> Spills , leaks, and/or illegal dumping (with immediate threat to human health or environment) shall be promptly investigated and reported	Ongoing	Within 24 hours by phone or e-mail, written within 5 days
All sewage spills above 1,000 gallons and all reportable quantities of hazardous waste spills	Ongoing	Within 24 hours
All other spill incidents	Annually	Nov. 15
Identify control measures implemented to reduce and/or eliminate the discharge of trash and debris	Annually	Nov. 15
Review litter/trash control ordinances to determine need for revision.	July 1, 2003	Nov.15, 2003
Determine need for additional debris control measures	July 1, 2003	Nov.15, 2003
<b>IX. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, AND SEPTIC SYSTEM FAILURES:</b>	One Time	July 1, 2003

Propose a mechanism to determine and control impact of infiltration from leaking sanitary sewer system on storm water quality		
Propose a mechanism to determine the effect of septic system failure on storm water quality	One Time	July 1, 2003
Propose a unified response mechanism to respond to any sewage spills	One Time	July 1, 2003
Review current oversight programs for portable toilets to determine the need for any revision	One Time	July 1, 2003
<b>X. NEW DEVELOPMENT (INCLUDING SIGNIFICANT RE-DEVELOPMENT):</b> Establish a mechanism to ensure all construction projects and industrial sites filed NOI for coverage under the General Permit prior to issuance of local permits or approvals	One Time	July 1, 2002
Review and modify approval/permitting process to incorporate BMPs in the Guidelines for New Development and Redevelopment	One Time	July 1, 2002
Review planning procedure and CEQA document preparation process to ensure storm water-related issues are properly considered and addressed	Within 120 days of issuance of this Order	
Incorporate watershed protection principles and policies into the General Plan	July 1, 2004	Nov. 15, 2004
Review current grading/erosion control ordinances	One Time	July 1, 2002
Identify a new development site and propose study to evaluate the effectiveness of a selected BMP	One Time	Nov. 15, 2003
Review Guidelines for New Development and Redevelopment to determine the need for any revisions	Within six months of adoption of this Order	
<b>XI. WATER QUALITY MANAGEMENT PLAN (WQMP) FOR RUNOFF (FOR NEW DEVELOPMENT/SIGNIFICANT RE-DEVELOPMENT):</b> Review existing BMPs for new development to determine the need for developing any additional WQMPs for urban runoff from new developments/significant redevelopments	One Time	July 1, 2003

<b>XII. PUBLIC EDUCATION AND OUTREACH:</b> Public awareness survey to determine effectiveness of current public and business education strategy	One Time	July 1, 2002
Recommend any changes to the public and business education program	One Time	Dec. 1, 2002
Develop public education material to encourage the public to report illegal dumping from residential, industrial, construction, and commercial sites into public streets, storm drains and other waterbodies.	One Time	Within six months of adoption of this Order
Develop BMP guidance for household use of fertilizer, pesticides, herbicides, and other chemicals, guidance for mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting.	One Time	July 1, 2003
Establish mechanism to ensure that all construction projects five acres and over and all industrial sites (requiring coverage) have appropriate General Storm Water Permit coverage	One Time	July 1, 2002
Establish a mechanism to ensure that local permits for all proposed construction and industrial facilities are conditioned upon proof of obtaining coverage under the State's General Permit	One Time	July 1, 2002
<b>XIII. MUNICIPAL FACILITIES/ACTIVITIES:</b> Complete assessment of flood control facilities to evaluate opportunities to configure and/or reconfigure channel segments to function as pollution control devices and optimize beneficial uses	July 1, 2003	Nov. 15, 2003
Develop and distribute to all permittees a BMP fact sheet to address public agency activities	July 1, 2002	Nov. 15, 2002
Develop and distribute BMP guidance for public agency, contract field operations and maintenance staff to provide guidance in appropriate pollution control measures, how to respond to spills, etc.	July 1, 2002	Nov. 15, 2002
Evaluation of efficiency and cost effectiveness of the available BMPs for litter control and develop recommendations for any needed improvements	July 1, 2003	Nov. 15, 2003
Identify areas not subject to street sweeping due to lack of continuous curb and gutter and evaluate their potential for impacting storm water quality	One Time	Nov. 15, 2003



Inspect and maintain at least 80% of drainage facilities on an annual basis, with 100% of facilities in a two-year period.	Annually	Nov. 15
<b>XV. PROGRAM MANAGEMENT:</b> Evaluate the management plan to determine need for revisions	By October 1, Annually	Nov. 15
<b>XVI. FISCAL RESOURCES:</b> Prepare and submit a unified fiscal analysis to the EO.	Annually	Nov. 15
<b>XVIII. PERMIT EXPIRATION AND RENEWAL:</b> Report of Waste Discharge	180 days prior to expiration	June 7, 2006
<b>MONITORING PROGRAM REQUIREMENTS:</b> GIS-based mapping of drainage area information	One Time	July 1, 2003
Assessment of relative pollutant loading from different drainage areas to receiving waters.	Dec. 1, 2003, One Time	Nov. 15, 2004
Evaluate effectiveness of selected BMPs in controlling pollutant loads	Dec. 1, 2003, Annually thereafter	Nov. 15, 2004
Integrated monitoring program, including bacteriological monitoring program	One Time	July 1, 2002
<b>REPORTING:</b> Annual progress report	Annually	Nov. 15

Ordered by \_\_\_\_\_

Gerard J. Thibeault

Executive Officer

Date.....